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OCT 20 2011

OFFICE OF PETITIONS

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In re Patent No. 6,601,533	:	
Issue Date: August 5, 2003	:	ON PETITION
Application No: 09/747,662	:	
Filed: December 26, 2000	:	

This is a decision on the petition under 37 CFR 1.378(c), filed September 26, 2011, to accept the unintentionally delayed payment of a maintenance fee for the above-identified application.

The petition is **DISMISSED**.

Any petition for reconsideration of this decision must be accompanied by the petition fee of \$400 as set forth in 37 CFR 1.17(f). The petition for reconsideration must include the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

The patent expired on August 6, 2011 for failure to pay the seven and one-half year maintenance fee. Since this petition was submitted within twenty-four months after the six-month grace period provided in 37 CFR 1.362(e), the petition was timely filed under the provisions of 37 CFR 1.378(c).

37 CFR 1.378 (c) requires any petition under 37 CFR 1.378 be accompanied by the surcharge set forth in 37 CFR 1.20(i)(2). Whereas the instant petition has included a surcharge of \$65, the surcharge for the instant petition is in fact \$1640. As petitioner has not supplied a deposit account number, the Office was unable to charge the \$1535 difference. As the surcharge payment is insufficient, the petition cannot be granted.

37 CFR 1.378(d) requires any petition under 37 CFR 1.378 to be signed by an attorney or agent registered to practice before the United States Patent and Trademark Office, or by the patentee, the assignee, or other party in interest. The instant petition is apparently not signed by an appropriate party. Further, there is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. If the person signing the instant petition desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. While a courtesy copy of this

decision is being mailed to the person signing the instant petition, all future correspondence will be directed to the address currently of record until such time as appropriate instructions are received to the contrary.

When an assignee first seeks to take action in a matter before the Office with respect to a patent application, patent, or reexamination proceeding, the assignee must establish its ownership of the property to the satisfaction of the Director. 37 CFR 3.73(b). The assignee's ownership may be established under 37 CFR 3.73(b) by submitting to the Office, in the Office file related to the matter in which action is sought to be taken:

(A) documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment submitted for recording) and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is, submitted for recordation pursuant to 37CFR 3.11; or

(B) a statement specifying, by reel and frame number, where such evidence is recorded in the Office. Documents submitted to establish ownership are required to be recorded, or submitted for recordation pursuant to 37 CFR 3.11, as a condition to permitting the assignee to take action in a matter pending before the Office.

A copy of the form PTO/SB/96 for providing the statement required under 37 CFR 3.73(b) is attached.

If this petition is not renewed or if renewed and not granted, then petitioner may request a refund of the maintenance fee and surcharge fees paid. The fee for requesting reconsideration is not refundable.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
 Customer Service Window, Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

The centralized facsimile number is (571) 273-8300.

Patent No. 6,601,533

Telephone inquiries relating to this decision should be directed to Robert DeWitty (571-272-8427).


for Anthony Knight
Director
Office of Petitions

Enclosure: PTO/SB/96

cc: C. Dennis Webster
1505 Camden Avenue
Salisbury, MD 21801